

Application No. 10/664,893
Atty. Docket No. 0902-006

REMARKS

Claims 35-54 are pending in the application. Claims 35 and 49 have been amended by the foregoing amendment. No new matter has been added as a result of this amendment.

Claims 35-42, 45, 46, 48-50 and 52-54 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,661,752 (Spink et al.). Claims 43, 44 and 51 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Spink et al. in view of U.S. Patent No. 5,002,375 (Hoppl et al.). Applicants respectfully request withdrawal of these rejections and allowance of the pending claims.

Exemplary embodiments are directed to a microscopy system for observing an object by plural observers. As recited in amended claim 35 for example, the microscopy system comprises at least one objective lens arrangement for receiving an object side beam emanating from an object plane and for transforming the object side beam into an image side beam; a first ocular system arranged to enable a first observer to observe the object by looking into the first ocular system, a second ocular system arranged to enable a second observer to observe the object by looking into the second ocular system and a controller.

The first ocular system comprises at least one first ocular tube having at least one first ocular for generating an image of the object plane from the image side beam and at least one first image projector having a first display for superimposing an image displayed by the first display with a beam path of the first ocular system such that the image of the object plane is perceived by the first observer in superposition with the image of the first display.

The second ocular system comprises at least one second ocular tube, distinct from the at least one first ocular tube, and having at least one second ocular for generating an image of the

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object plane from the image side beam, wherein at least one optical setting of the first ocular system is adjustable independently of a corresponding optical setting of the second ocular system.

The controller is configured to generate the image displayed by the first display of the first ocular system from a first input image based on the at least one optical setting of the first ocular system and from a second input image independent of the at least one optical setting of the first ocular system wherein the controller comprises an image combining unit for generating the image displayed by the first display.

The at least one optical setting of the first ocular system is one of a setting of an angular position of the at least one first ocular tube about an optical axis of the at least one objective lens arrangement, or a setting of a magnification of a zoom system of the at least one first ocular tube.

The setting of a shutter (of Spink) is relied upon for disclosing an optical setting and an optical parameter as recited in claims 35 and 49 respectively. In order to further distinguish exemplary embodiments, claims 35 and 49 have been amended to further specify the optical setting and the optical parameter as being one of an angular position of the ocular tube or a magnification of the zoom system (see Specification, p. 4, lines 7-13 and p. 8, lines 22-28 for example).

Spink et al. does not disclose two images to be superimposed where one image is generated depending on an angular position of the ocular tube or on a magnification of a zoom system and the other image is independent therefrom.

Two electronically generated images are superimposed in which one image is adapted to the viewpoint or magnification currently selected by the user while the other image is

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independent. The other image may show, for example, alphanumeric data or the like, and provides the user with valuable information in this field of view and is superimposed with the normal microscopic image (p. 8, lines 10-20).


Spink, therefore, fails disclose exemplary embodiments as recited in amended claims 35 and 49. At least for these reasons, it is believed that claims 35 and 49 are allowable over Spink.

The remaining claims, all of which depend on one of allowable claims 35 and 49, are also allowable. The deficiencies of Spink, as highlighted above, are not overcome by Hoppl.

All of the rejections having been overcome, it is believed that this application is in condition for allowance and a notice to that effect is solicited. Should the Examiner have any questions with respect to expediting the prosecution of this application, he is urged to contact the undersigned at the number listed below.

Respectfully submitted,

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